

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Robert Sheldon v David Little**
Docket No. **275231**
L.C. No. **05-006774-NO**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal filed December 20, 2006, is DISMISSED for lack of jurisdiction because the claim of appeal was not timely filed under MCR 7.204(A)(1)(a). Since the appellant is using this Court's November 7, 2006 decision in docket number 270399 as the order disposing of the last defendant Crawford County Road Commission the claim of appeal under MCR 7.204(A)(1)(a) had to be filed no later than November 28, 2006. As demonstrated by docket number 272175 an order granting summary disposition was already entered in favor of the Littles on June 19, 2006, with reconsideration denied on July 17, 2006. The trial court could not restart the time period to file the claim of appeal by entering a second order on November 29, 2006, granting summary disposition and denying reconsideration. See MCR 7.208(C)(1). Furthermore, the order of November 29, 2006, was not a final order because it was not the first order disposing of the claims of the parties. See MCR 7.202(6)(a)(i). Any appeal at this point must be by application for delayed appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 19 2007

Date

Sandra Schultz Mengel
Chief Clerk